

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING ON
REQUESTS TO SHORTEN TIME FOR RESPONSES TO
PETITIONS FOR MODIFICATION OF DECISION 05-10-042**

On December 6, 2005 the California Independent System Operator (CAISO) filed a petition for modification of Decision (D.) 05-10-042. The CAISO requested that the time for responses to the petition be shortened to December 9, 2005. Several parties sent e-mails registering opposition to the shortened response time requested by the CAISO. On December 7, 2005 I denied the request to shorten time to December 9 but stated that I would further consider whether to approve a shortened period for responses. The CAISO filed an amended petition on December 8, 2005.

On December 19, 2005, Pacific Gas and Electric Company (PG&E) filed a petition for modification of D.05-10-042. PG&E requests that the time for responses to its petition be shortened to January 5, 2006. No responses to PG&E's request for a shortened response period have been received.

Discussion

Shortened Time for Responses

Rule 47(f) of the Commission's Rules of Practice and Procedure (Rules) provides that responses to petitions for modification are due within 30 days of the date the petition was served unless the administrative law judge sets a

different date. Rule 2.6(a)(2) provides that the time for responses to an amended document is calculated from the date the amendment is served. Accordingly, in the absence of a ruling setting different dates, responses to the amended CAISO petition would be due January 9, 2006 and responses to the PG&E petition would be due January 18, 2006. This ruling shortens the time for both petitions by providing a common due date of January 5, 2006 for responses.

Waiver/Reduction of Review and Comment Period

The CAISO requests that a decision on its petition be scheduled for Commission consideration on January 12, 2006.¹ PG&E does not request or propose a date for Commission action on its petition, but it may be inferred from its request for a shortened response time that PG&E requests expedited action on its petition.

Rule 77.7, which implements provisions of Pub. Util. Code Section 311(g), provides that the 30-day public review and comment period pertaining to draft decisions may be reduced or waived in certain circumstances. These circumstances include uncontested matters where the decision grants the relief requested (Rule 77.7 (f)(2)) as well as decisions where the Commission determines that public necessity requires reduction or waiver of the review and comment period (Rule 77.7 (f)(9)). It appears that the CAISO petition may be contested and that the PG&E petition may not be contested. Nevertheless, whether the petitions are contested cannot be determined until the responses are filed. Accordingly, it may be possible to shorten the 30-day public review and

¹ Petitioners are placed on notice that this order shortening time for responses to their respective petitions does not mean that the petitions will necessarily be considered by the Commission at a particular scheduled Commission meeting.

comment period only if the Commission determines that the “public necessity” standard set forth in Rule 77.7 (f)(9) is met. If either petitioner seeks to have the Commission make such a determination of public necessity with respect to its petition, it should file a motion for such a determination not later than December 29, 2005. Responses to any such motion are due the same day as the responses to the petitions for modification, and may be combined within such responses to the petitions.

IT IS ORDERED that:

1. Responses to the California Independent System Operator and the Pacific Gas and Electric Company petitions for modification of Decision 05-10-042 are due by close of business on Thursday, January 5, 2006.

2. Motions for a Commission determination that public necessity requires reduction or waiver of the 30-day period for public review and comment on a draft decision on these petitions may be filed and are due December 29, 2005. Responses to any such motions are due January 5, 2006 and may be incorporated within the party’s response to the petition(s).

Dated December 23, 2005, at San Francisco, California.

/s/ MARK S. WETZELL

Mark S. Wetzell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Requests to Shorten Time for Responses to Petitions for Modification of Decision 05-10-042 on all parties of record in this proceeding or their attorneys of record.

Dated December 23, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.